

SB0911



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB0911

Introduced 2/18/2005, by Sen. Wendell E. Jones

SYNOPSIS AS INTRODUCED:

70 ILCS 705/1

from Ch. 127 1/2, par. 21

Amends the Fire Protection District Act. Makes a technical change in a Section concerning the creation of fire protection district.

SRS094 00006 PLM 30006 b

A BILL FOR

1 AN ACT concerning fire protection districts.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Fire Protection District Act is amended by
5 changing Section 1 as follows:

6 (70 ILCS 705/1) (from Ch. 127 1/2, par. 21)

7 Sec. 1. It is hereby declared as a matter of legislative
8 determination that in order to promote and protect ~~the~~ the
9 health, safety, welfare and convenience of the public, it is
10 necessary in the public interest to provide for the creation of
11 municipal corporations known as fire protection districts and
12 to confer upon and vest in the fire protection districts all
13 powers necessary or appropriate in order that they may engage
14 in the acquisition, establishment, maintenance and operation
15 of fire stations, facilities, vehicles, apparatus and
16 equipment for the prevention and control of fire therein and
17 the underwater recovery of drowning victims, and provide as
18 nearly adequate protection from fire for lives and property
19 within the districts as possible and regulate the prevention
20 and control of fire therein; and that the powers herein
21 conferred upon such fire protection districts are public
22 objects and governmental functions in the public interest.

23 Whenever any territory is (1) an area of contiguous
24 territory in a county, or in more than one but in not more than
25 5 counties; (2) so situated that the destruction by fire of the
26 buildings and other property therein is hazardous to the lives
27 and property of the public; (3) so situated that the
28 acquisition, establishment, maintenance and operation of a
29 fire station or stations, facilities, vehicles, apparatus and
30 equipment for the prevention and control of fire therein will
31 conduce to the promotion and protection of the health, safety,
32 welfare and convenience of the public; (4) so situated that it

1 does not divide any city, village or incorporated town, but, in
2 the case of a city, village or incorporated town situated
3 partly within and partly without one or more existing fire
4 protection districts, such territory shall not be considered as
5 dividing the city, village or incorporated town if it includes
6 all of the city, village or incorporated town situated outside
7 of any existing fire protection district; (5) so situated that
8 such territory contains no territory included in any other fire
9 protection district, or if any territory is disconnected in the
10 manner provided in Section 16c of this Act, the same may be
11 incorporated as a fire protection district. For the purpose of
12 meeting the requirement of item (1) that the territory be
13 contiguous, territory shall be considered to be contiguous if
14 the only separation between parts of such territory is land
15 owned by the United States, the State of Illinois, or any
16 agency or instrumentality of either. In the case of territory
17 disconnected from an existing district pursuant to Section 16c
18 of this Act, such territory may be incorporated as provided in
19 that Section; otherwise such districts may be incorporated
20 under this Act in the manner following:

21 Fifty or more of the legal voters resident within the
22 limits of the proposed district, or a majority thereof if less
23 than 100, may petition the circuit court for the county which
24 contains all or the largest portion of the proposed district to
25 cause the question to be submitted to the legal voters of the
26 proposed district, whether the proposed territory shall be
27 organized as a fire protection district under this Act; the
28 petition shall be addressed to the court and shall contain a
29 definite description of the boundaries of the territory to be
30 embraced in the proposed district, and the name of the proposed
31 district and shall allege facts in support of the organization
32 and incorporation.

33 Upon filing a petition in the office of the circuit clerk
34 of the county in which the petition is made, the court shall
35 fix a time and place for a hearing upon the subject of the
36 petition.

1 Notice shall be given by the court to which the petition is
2 addressed, or by the circuit clerk or sheriff of the county in
3 which the petition is made at the order and direction of the
4 court, of the time and place of the hearing upon the subject of
5 the petition at least 20 days prior thereto by one publication
6 thereof in one or more daily or weekly papers published within
7 the proposed fire protection district (or if no daily or weekly
8 newspaper is published within such proposed fire protection
9 district, then either by one publication thereof in any
10 newspaper of general circulation within that territory or by
11 posting at least 10 copies of the notice in the district at
12 least 20 days before the hearing in conspicuous places as far
13 separated from each other as consistently possible), and by
14 mailing a copy of the notice to the mayor or president of the
15 board of trustees of all cities, villages and incorporated
16 towns in whole or in part within the proposed fire protection
17 district.

18 At the hearing all persons residing in or owning property
19 situated in the proposed fire protection district shall have an
20 opportunity to be heard; and if the court finds that the
21 petition does not comply with the provisions of this Act or
22 that the allegations of the petition are not true, the court
23 shall dismiss the petition; but if the court finds that the
24 petition complies with the provisions of this Act and that the
25 allegations of the petition are true, the same shall be
26 incorporated in an order which shall be filed of record in the
27 court. Upon the entering of such order the court shall order
28 the submission to the legal voters of the proposed fire
29 protection district the question of organization and
30 establishment of the proposed fire protection district at an
31 election. The circuit clerk shall certify the question and the
32 order to the proper election officials who shall submit the
33 question at an election in accordance with the general election
34 law. The notice of the referendum shall specify the purpose of
35 such election with a description of the proposed district.

36 The question shall be in substantially the following form:

1 -----

2 For Fire Protection District.

3 -----

4 Against Fire Protection District.

5 -----

6 The court shall cause a written statement of the results of
7 such election to be filed of record in the court. If no city or
8 village or incorporated town nor any part thereof is included
9 in the territory proposed as a district and the majority of the
10 votes cast at such election upon the question shall be in favor
11 of the incorporation of the proposed fire protection district,
12 or if a city or village or incorporated town or any part
13 thereof is included in the territory proposed as a district and
14 a majority of the votes cast at such election upon the
15 question, within the limits of each city or village or
16 incorporated town and also a majority of those cast outside the
17 limits of each such city or village or incorporated town shall
18 be in favor of the proposed fire protection district, or if a
19 city or village or incorporated town is included in the
20 territory proposed as a district and a majority of the votes
21 cast at such election upon the question within the limits of
22 such city or village or incorporated town or in any other city
23 or village or incorporated town which is included in the
24 proposed territory shall be in favor of the proposed fire
25 protection district, and even if a majority of the votes cast
26 outside the limits of such city or cities or village or
27 villages or incorporated town or towns, are not in favor of the
28 proposed fire protection district, in each city or village or
29 incorporated town which casts a majority of votes in favor of
30 the proposed district, the proposed district or portion of the
31 proposed district in which a majority of the votes cast at the
32 election are in favor of the proposition as provided in this
33 amendatory Act of 1986 shall thenceforth be deemed an organized
34 fire protection district under this Act, and the court shall
35 enter an order accordingly and cause the same to be filed of
36 record in the court and shall also cause to be sent to the

1 county clerk of any and all other counties in which any portion
2 of the district lies and the Office of the State Fire Marshal a
3 certified copy of the order organizing the district and a plat
4 of the same indicating what lands of the district lie in such
5 other county or counties. The circuit clerk shall also file
6 with the Office of the State Fire Marshal a certified copy of
7 any other order organizing any other fire protection district
8 which may have been theretofore organized in the county.

9 (Source: P.A. 85-1434.)